

REMARKS

Claims 1-6 and 8-25 are pending in the present application. Favorable reconsideration of the pending claims is respectfully requested in light of the following remarks.

Claims 1-6, 8-10, and 12-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,165,839 to Lee et al (hereinafter "*Lee*") in view of U.S. Patent No. 5,792,687 to Jeng et al. (hereinafter "*Jeng*"). Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lee* and *Jeng* and further in view of U.S. Patent No. 6,198,143 B1 to Ohsaki (hereinafter "*Ohsaki*"). Finally, claims 22-25 have also been rejected over *Lee* and *Jeng* in view of *Ohsaki*. Thus, *Lee* is cited in each of the rejections of claims 1-6 and 8-25.

Although Applicants maintain that claims 1-6 and 8-25 would not have been obvious over the cited references for the reasons set forth in their previously filed responses, Applicants have submitted herewith a Declaration under 37 C.F.R. § 1.131 (hereafter "the Declaration") to remove *Lee* as a reference, in order to expedite prosecution of the present application.

The filing date of *Lee* is June 8, 1998, which is the prior art date for *Lee* as a reference.

The present application claims priority as a divisional application back to U.S. Patent Application Serial No. 09/146,742, which was filed on September 3, 1998 (hereafter "the original parent application"), now U.S. Patent No. 6,348,411 B1.

As indicated in the Declaration and supported by the accompanying exhibits, prior to June 8, 1998, the present inventors conceived the idea of a contact structure as presently claimed in the above identified patent application. For example, prior to June 8, 1998 they conceived the idea for an integrated circuit comprising: a lower bulk insulator layer situated above a semiconductor substrate, the lower bulk insulator having upper and lower surfaces; a conductor layer situated above the lower bulk insulator layer; a sleeve insulator layer in contact with the conductor layer, the sleeve

insulator layer comprising a first terminus and a second terminus opposite the first terminus, the second terminus located between the upper and lower surfaces of the lower bulk insulator; and a conductive contact extending from and beyond the sleeve insulator layer to terminate at a contact on the semiconductor substrate, the conductive contact being electrically insulated from the conductor layer by the sleeve insulator layer, as described and claimed in the above-identified patent application Serial No. 09/300,363. Copies of invention disclosure documents describing and showing the inventive concepts of the presently claimed invention are attached hereto as Exhibits A and B.

The Declaration further indicates that the invention disclosure documents were submitted to the patent department of Micron Technology, Inc. on March 7, 1994 and December 28, 1995, respectively, to obtain approval for filing of a patent application. Subsequent thereto, the invention disclosure documents were sent to Applicants' attorneys to begin preparation of a patent application.

An initial draft of the patent application was sent to Applicants by their patent attorneys with their letter dated June 27, 1996, a copy of which is attached as Exhibit C to the Declaration. A revised draft of the application was communicated to our patent attorneys with a letter dated January 6, 1997, a copy of which is attached as Exhibit D to the Declaration. Another revised draft of the application was communicated to our patent attorneys with a letter dated August 14, 1997, a copy of which is attached as Exhibit E to the Declaration. Yet another revised draft of the application was received from our patent attorneys with a letter dated August 27, 1997, a copy of which is attached as Exhibit F to the Declaration. Another revised draft of the application was received from our patent attorneys with a letter dated October 14, 1997, a copy of which is attached as Exhibit G to the Declaration. Another revised draft of the application was communicated to our patent attorneys with a letter dated October 30, 1997, a copy of which is attached as Exhibit H to the Declaration. Yet another revised draft of the application was received from our patent attorneys with a letter dated

February 2, 1998, a copy of which is attached as Exhibit I to the Declaration. Another revised draft of the application was communicated to our patent attorneys with a letter dated February 10, 1998, a copy of which is attached as Exhibit J to the Declaration. Yet another revised draft of the application was received from our patent attorneys with a letter dated March 30, 1998, a copy of which is attached as Exhibit K to the Declaration. Yet another revised draft of the application was received from our patent attorneys with a letter dated April 8, 1998, a copy of which is attached as Exhibit L to the Declaration. Another revised draft of the application was communicated to our patent attorneys with a letter dated April 21, 1998, a copy of which is attached as Exhibit M to the Declaration. Yet another revised draft of the application was received from our patent attorneys with a letter dated June 18, 1998, a copy of which is attached as Exhibit N to the Declaration. Another revised draft of the application was communicated to our patent attorneys with a letter dated August 27, 1998, a copy of which is attached as Exhibit O to the Declaration. The final draft of the application, which was subsequently filed as the parent to the above-identified application, was received from our patent attorneys with a letter dated August 31, 1998, a copy of which is attached as Exhibit P to the Declaration.

The original parent application of the present application was then filed in the U.S. Patent and Trademark Office on September 3, 1998.

Accordingly, the above outlined course of action shows that the invention claimed in the present application was conceived prior to the effective date of *Lee* as a reference, and that Applicants had due diligence from a date prior to the June 8, 1998 reference date of *Lee* up to the subsequent filing of the original parent application of the present application. Thus, Applicants respectfully request that *Lee* be removed as a reference against the claims of the present application.

With *Lee* removed as a reference, the rejections of claims 1-6 and 8-25 as being obvious over

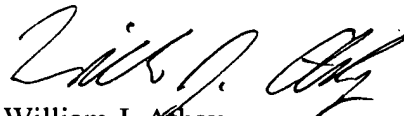
various combinations of *Lee*, *Jeng*, and *Ohsaki* are no longer applicable. Applicants therefore respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event the Examiner finds any remaining impediment to the prompt allowance of this application that could be clarified by a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

~~Dated this 15th day of May 2003.~~

Respectfully submitted,



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